



Adjourned Meeting
11-30-21

**Item
4.A.**

Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: November 11, 2021 Meeting date: November 30, 2021

Subject: An Amendment to Title 17 of the Malibu Municipal Code to Extend Temporary Parking in the City's Chili Cook-Off Site for the Farmers Market

RECOMMENDED ACTION: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 495 (Attachment 1), adopting Zoning Text Amendment (ZTA) No. 21-004 amending Malibu Municipal Code (MMC) Section 17.68.040 (Temporary Uses Requiring Permit) to extend temporary parking in the City's Chili Cook-Off Site for the Farmers Market and finding the action exempt from the California Environmental Quality Act (CEQA); and 2) Direct staff to schedule a public hearing and the second reading and adoption of Ordinance No. 495 for the December 13, 2021 Regular City Council meeting.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was included as item #4h in the adopted Work Plan for Fiscal Year 2021-2022.

BACKGROUND: On April 8, 2019, City Council authorized the use of the City's loki property (23575 Civic Center Way - also known as the Chili Cook-off Site) for displaced parking associated with the Sunday Farmers Market operated by Cornucopia Foundation. The Farmers Market operates on the County of Los Angeles Civic Center property where the new Santa Monica College campus is under construction. Some of the parking normally used by Farmers Market patrons is displaced by the construction activities.

In order for the Farmers Market to utilize the Chili Cook-off site as temporary parking during construction of the college building, ZTA No. 19-003 was approved with the adoption of Ordinance No. 456 on December 9, 2019. The ordinance added an

appropriate use to the list of uses that can be permitted with a Temporary Use Permit in MMC Section 17.68.040.

On September 27, 2021, the City Council adopted a resolution initiating the proposed ZTA pertaining to temporary use permits for temporarily displaced Farmers Market surface parking.

At its November 1, 2021 meeting, the Planning Commission reviewed the proposed amendment to MMC Section 17.68.040 and did not make any modifications to the proposed amendment and voted to recommend the modification as initiated by Council on September 27, 2021.

DISCUSSION: Ordinance No. 456 included a sunset provision for the temporary Farmers Market parking which states “This provision shall expire the earlier of the issuance of a Certificate of Occupancy for Santa Monica College or on January 1, 2022.” However, the construction is expected to continue beyond January 1, 2022. As such, staff is recommending that the language be amended to extend the January 1, 2022, deadline to January 1, 2024, to prevent the loss of parking for the Farmers Market.

Because the proposed ZTA deals only with the temporary use permits section of the Zoning Ordinance and does not alter the permitted and conditionally permitted uses specified for each zoning district, an amendment to the Malibu Local Coastal Program (LCP) is not necessary. As drafted, the ZTA will not conflict with provisions of the LCP pertaining to temporary events found in LCP Local Implementation Plan Section 13.4.9. The use of the property for temporary off-site parking would not be considered an event.

Proposed Zoning Text Amendment

Section 17.68.040 of the MMC is amended to read as follows: (Changes shown in strikethrough and underline)

L. Off-site surface parking on a vacant commercially zoned lot for the Farmers Market within 350 feet of the Farmers Market to replace required parking displaced by construction. The dates for this use shall not count against the maximum 60 calendar days within one calendar year for which a site can be used for temporary uses. This provision shall expire the earlier of the issuance of a Certificate of Occupancy for Santa Monica College or on January 1, 20224.

ENVIRONMENTAL REVIEW: The Planning Director has analyzed the ZTA described herein. CEQA applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it

can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The ZTA would allow for the continued temporary relocation of parking. The ZTA does not allow for any change to the size of the market or number of vendors. As such, there would be no significant difference in traffic or traffic patterns as a result of the proposed code amendment. The Planning Director determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies.

CORRESPONDENCE: To date, no correspondence has been received.

PUBLIC NOTICE: Pursuant to Malibu Municipal Code Section 17.74.040, the minimum length of time for public notice for a zoning text amendment shall be twenty-one (21) days prior to the hearing. As such, the Council will hold two public hearings on the proposed code amendment to allow adequate time for public comment. On November 4, 2021, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold public hearings on November 22, 2021 and December 13, 2021 to consider the proposed amendment. The notice will be published again on November 18, 2021.

CONCLUSION: Staff recommends that the City Council introduce on first reading Ordinance No. 495 (Attachment 1), adopting ZTA No. 21-004 amending MMC Section 17.68.040 (Temporary Uses Requiring Permit) to extend temporary parking in the City's Chili Cook-Off Site for the Farmers Market; and 2) Direct staff to schedule a public hearing and the second reading and adoption of Ordinance No. 495 for the December 13, 2021 Regular City Council meeting.

ATTACHMENTS:

1. Ordinance No. 495
2. Public Hearing Notice

ORDINANCE NO. 495

AN ORDINANCE OF THE CITY OF MALIBU AMENDING MALIBU MUNICIPAL CODE SECTION 17.68.040 (TEMPORARY USES REQUIRING PERMIT) TO EXTEND TEMPORARY PARKING IN THE CITY'S CHILI COOK-OFF SITE FOR THE FARMERS MARKET AND FINDING THE ACTION EXEMPT FOR THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On September 27, 2021, the City Council adopted Resolution No. 21-54: 1) initiating Zoning Text Amendment (ZTA) 21-004, an amendment to Malibu Municipal Code (MMC) Section 17.68.040 (Temporary Uses Requiring Permit) to extend temporary parking for the Farmers Market; and 2) directing the Planning Commission to schedule a public hearing regarding the ZTA and provide a recommendation to the Council whether to approve, modify, or reject the amendment.

B. On October 7, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu.

C. On November 1, 2021, the Planning Commission held a duly noticed public hearing on the subject ZTA, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record and adopted Resolution No. 21-74 recommending the City Council adopt the proposed ZTA.

D. On November 4, 2021 and November 18, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold public hearings on November 22, 2021 and December 13, 2021 to consider the proposed amendment.

E. On November 22, 2021, the City Council adjourned the hearing to the November 30, 2021, City Council meeting.

F. On November 30, 2021, the City Council held a duly noticed public hearing on the subject amendments, considered the recommendation by the Planning Commission, reviewed and considered written reports, public testimony, and related information. In addition, the Council introduced on first reading and adopted the Ordinance.

G. On December 13, 2021, the City Council held a duly noticed public hearing on the subject amendments, considered the recommendation by the Planning Commission, reviewed and considered written reports, public testimony, and related information and conducted a second reading of the Ordinance.

SECTION 2. Environmental Review.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 3. Findings for Malibu Municipal Code Amendment.

Pursuant to MMC Section 17.74.040, the City Council hereby makes the following findings:

A. The subject ZTA is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment is consistent with Land Use (LU) Objective 4.4 (Successful Businesses Appropriate to Malibu) and in particular LU Policy 4.4.1 which encourages the establishment and continued operation of small neighborhood and community serving businesses. The proposed amendment will ensure that the local Farmers Market remains successful with adequate parking to accommodate the patrons on the market.

B. The City Council held public hearings, reviewed the subject ZTA application for compliance with the City of Malibu General Plan, MMC and the Malibu Local Coastal Program, and finds that the ZTA is consistent and recommends approval.

SECTION 4. Amendments.

MMC Section 17.68.040(L) is amended to read as follows:

L. Off-site surface parking on a vacant commercially zoned lot for the Farmers Market within 350 feet of the Farmers Market to replace required parking displaced by construction. The dates for this use shall not count against the maximum 60 calendar days within one calendar year for which a site can be used for temporary uses. This provision shall expire the earlier of the issuance of a Certificate of Occupancy for Santa Monica College or on January 1, 2024.

SECTION 5. Certification.

The City Clerk shall certify the passage and adoption of this Ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2021.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

JOHN COTTI, Interim City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the Malibu Municipal Code and Code of Civil Procedure.

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL**

The Malibu City Council will hold public hearings on **Monday, November 22, 2021 and Monday, December 13, 2021 at 6:30 p.m.** on the code amendment identified below. These meetings will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361 and the County of Los Angeles Public Health Officer's Order. All votes taken during these teleconference meetings will be by roll call vote, and the vote will be publicly reported.

How to View the Meetings: No physical location from which members of the public may observe the meetings and offer public comment will be provided. Please view the meetings, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

How to Participate Before the Meetings: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meetings begins.

How to Participate During the Meetings: Members of the public may also speak during the meetings through the Zoom application. The City requests that you sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

ZONING TEXT AMENDMENT NO. 21-004 - Consider an amendment and the Planning Commission's recommendations to amend Malibu Municipal Code Section 17.68.050 (Temporary Uses Requiring Permit) to extend temporary parking in the City's Chili Cook-Off Site for the Farmers Market. The existing sunset clause for the Farmers Market to use the site is January 1, 2022.

Location:	23525 Civic Center Way
APN:	4458-022-904
Zoning:	Institutional (I)
Applicant/Owner:	City of Malibu
Application Filed:	September 27, 2021
Case Planner:	Richard Mollica, Planning Director (310) 456-2489, extension 346 rmollica@malibucity .org

Pursuant to Malibu Municipal Code Section 17.74.040, the minimum length of time for public notice for a zoning text amendment shall be twenty-one (21) days prior to the hearing. As such, the Council will hold two public hearings on the proposed code amendment to allow adequate time for public comment and notification.

The California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. After analyzing the code amendment listed above, the Planning Director determined that there is no possibility the amendments will have a significant effect on the environment

and accordingly, the exemption set forth in Section 15061(b)(3) applies.

A written staff report will be available at or before the hearings for the project. All persons wishing to address the Council regarding this matter will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the City Council on, or before, the date of the meetings.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARINGS DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARINGS.

Richard Mollica, Planning Director

Publish Dates: November 4, 2021 and November 18, 2021